



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/762,051

01/21/2004

Matti Parnanen

00002-0480

4470

98359

7590

01/13/2011

AlbertDhand LLP

11622 El Camino Real, Suite 100

San Diego, CA 92130

EXAMINER

NGUYEN, PHILLIP H

ART UNIT

PAPER NUMBER

2191

MAIL DATE

DELIVERY MODE

01/13/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/762,051 | Applicant(s) PARNANEN ET AL. | |
| | Examiner PHILLIP H. NGUYEN | Art Unit 2191 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the amendment filed 11/16/2009.

Claims 1, 5, 8, 16, and 21 have been amended.

Claims 1-23 remain pending and have been considered below.

Response to Amendment

1. The rejection under 35 U.S.C. 101 to claim 17 is hereby withdrawn in view of applicant's amendment.
2. The rejections under 35 U.S.C. 102 and 103 to claims 1-23 are hereby withdrawn in view applicant's amendment.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 17 recites the limitation "**the** user interface elements" in the body of the claim. There is insufficient antecedent basis for this limitation in the claim. For examining purposes, the examiner interprets this limitation to be read as "user interface elements."

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2191

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 8, 9, 14-16, 21, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2004/0034860 to Fernando et al. ("Fernando").

As per claim 8

Fernando teaches a device that adds features dynamically to a software consumer application such that a new feature provided by a software program can be added to a software platform program for the device (see at least Abstract "**Dynamically configuring an application program at run-time via one or more extension objects...**"), the device comprising:

a processor (see at least **FIG. 10**); and

a memory unit operatively connected to the processor (see at least **FIG. 10**)

including:

the said consumer application that publishes a feature interest indicating what new features the said consumer application desires to have (see at least par. [0033] "**When a request (*i.e. publish*) for specific functionality (*i.e. feature*) is received by the application manager (*i.e. application interworking framework*)");**

at least one provider application that has at least one new feature available (see at least par. [0035] “**extension object providers 108 are executables that house one or more extension objects 118**”); and

an application interworking framework that dynamically provides an interface for the said consumer application and the said provider application such that the said feature interest is matched with one of the new features available from the said provider application (see at least par. [0033] “**When a request for specific functionality is received by the application manager** (*i.e. application interworking framework*) **106, the application manager 106 queries the database 110 to locate the appropriate extension object provider 108, checks the validity of the request and of the provider 108, instantiates the appropriate extension object 108, obtains the required interfaces, and identifies the instantiated extension object 118 to the requesting component**”).

As per claim 9

Fernando teaches

wherein the new consumer application is an application provided by a terminal manufacturer (see at least par. [0027] “**The extension objects 118 may be developed by a developer of the application program** (*i.e. manufacturer*) or by third parties”).

As per claim 14

Fernando teaches

Art Unit: 2191

wherein user interface elements corresponding to the matched features are placed in the interest placeholders (see at least par. [0036] “**the extension object providers 108 contribute registration information such as presence information and housed extension objects 118 to the database 110**”).

As per claim 15

Fernando teaches

wherein the consumer application is a new consumer application (see at least par. [0029] “...In such an application, **new functionality such as voice and video communication, file sharing, shared browsing, shared music listening, etc. can be added to the application after the application is initially released** (*i.e. new application*)”).

As per claim 16

Fernando teaches

wherein the at least one new feature available is a user interface feature based on the feature interest (see at least par. [0037] “**the extension objects 118 may include new functionality added to the application or proffer UI elements 220 to existing functionality**”).

As per claim 21

Art Unit: 2191

Fernando teaches a computer program product, embodied on a computer- readable medium, comprising:

computer code configured to:

provide a consumer application interest resource for a consumer application, installed on a consumer device, specifying at least one new user interface element (see at least par. [0033] “**When a request** *(i.e. specifies to the application manager specific functionality)* **for specific functionality is received by the application manager**”);

store user interface element corresponding to the consumer application interest resource in a file (see at least par. [0036] “**extension object providers 108 are executables that house one or more extension objects 118**” see also FIG. 1 – Note: The extension objects are stored in executable files);

communicate said new user interface element to an application interworking framework (see at least par. [0036] “**Upon installation, extension object providers 108 register with the database 110 of the application manager 106. That is, the extension object provider 108 contribute registration information such as presence information and housed extension objects 118 to the database 110 in the application manager 106 to register with the framework 102**”); and

dynamically add said new user interface element to a consumer user interface (see at least par. 0037] “**Extension object 118 proffer additional functionality or augment existing functionality of the framework 102...For example, the extension objects 118 may include new functionality added to the**

Art Unit: 2191

application or proffer UI elements 220 to existing functionality”).

As per claim 23

Fernando teaches

computer code to pass arguments within the application interworking framework (see at least par. [0033] **“When a request for specific functionality is received by the application manager (i.e. application interworking framework), the application manager 106 queries the database 110 to locate the appropriate extension object provider...”** – Note: The requests are passed to the application manager as arguments so that the application manager could queries for extension object providers).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3, and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2004/0034860 to Fernando et al. (“Fernando”), in view of U.S. Patent No. 7,275,221 to McKeon

As per claim 1

Art Unit: 2191

Fernando teaches a computer-implemented method for adding computer software features dynamically to a consumer application, installed on a consumer device (see at least the Abstract “**Dynamically configuring an application program at run-time via one or more extension objects...**”), the method comprising:

requesting from an application interworking framework a new feature matching a consumer interest of the consumer application (see at least par. [0033] “**When a request for specific functionality (*i.e. feature*) is received by the application manager (*i.e. application interworking framework*)**”);

using the consumer interest and a feature capability to identify a provider (see at least par. [0033] “**...the application manager 106 queries the database 110 to locate the appropriate extension object provider 108, checks the validity of the request and of the provider 108**”);

dynamically providing the new feature, if the provider is identified, to the consumer application (see at least par. [0033] “**...the application manager 106 may return a reference, handle, or pointer of the instantiated extension object 118 to the requesting component**”); and

utilizing the new feature at the consumer application (see at least par. [0037] “**Extension objects 118 proffer additional functionality or augment existing functionality of the framework 102**”).

Fernando does not explicitly teach

establishing a framework for a application programming interface (API) that adds a feature to the consumer application.

However, McKeon teaches an analogous art related to interaction between client and provider applications, includes

establishing a framework for a application programming interface (API) (see at least **FIGS. 2 and 9**; see also col. 13:25-27 “**Each of the providers is coupled to an intermediary interpreter 96** (*i.e. application interworking framework*), **which through its corresponding API communicates with client application 908**”).

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Fernando to incorporate the teaching of McKeon to use APIs for interacting between application program and the providers to add features to the application program. One would have been motivated to do so because API serves as an interface between different software programs and facilitates their interaction.

As per claim 3

Fernando teaches

wherein the application interworking framework interfaces the consumer application with the feature provider (see at least par. [0033] “**When a request for specific functionality is received by the application manager** (*i.e. application*

Art Unit: 2191

interworking framework) **106, the application manager 106 queries the database 110 to locate the appropriate extension object provider 108, checks the validity of the request and of the provider 108, instantiates the appropriate extension object 108, obtains the required interfaces, and identifies the instantiated extension object 118 to the requesting component”).**

As per claim 5

Fernando teaches

adding a feature user interface element along with the new feature (see at least par. [0037] **“the extension objects 118 may include new functionality added to the application or proffer UI elements 220 to existing functionality”).**

As per claim 6

Fernando teaches

wherein the feature user interface element comprises menu commands and a setting page or other user interface elements (see at least par. [0037] **“The UI elements 220 may include an application UI 222, property pages 224, an instance user list 226 that needs to be displayed on the UI”).**

As per claim 7

McKeon teaches

wherein the application interworking framework implements two application programming interfaces (APIs), including a consumer API and a set of provider APIs, wherein the provider APIs match the desired user interface elements (see at least **FIGS. 2 and 9**).

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2004/0034860 to Fernando et al ("Fernando"), in view of U.S. Patent No. 7,275,221 to McKeon, and in further view of U.S. Patent No. 5,097,533 to Burger et al ("Burger").

As per claim 2

Fernando does not explicitly teach

wherein generic parameters are used in application interworking framework application programming interfaces (APIs).

However, Burger teaches an analogous art related to interfacing computer applications written in different languages, includes

generic parameters are used in application interworking framework application programming interfaces (APIs) (see at least col. 3:44-47 "**For each of a plurality of functions supported by the software, a generic application program interface (API) or entry point is defined having a plurality of parameters in a consistent form required by the system to execute the function**").

Art Unit: 2191

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Fernando in combination with McKeon to use a generic parameter in generic API for communicating between applications. The modification would have been obvious because one would have been motivated to define a generic API so that the format or type of the parameters process by the API do not need to be specified.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2004/0034860 to Fernando et al ("Fernando"), in view of U.S. Patent No. 7,275,221 to McKeon, and in further view of U.S. Pub. No. 2002/0109718 to Mansour et al. ("Mansour").

As per claim 4

Neither Fernando nor McKeon explicitly teach

wherein the application interworking framework interfaces the consumer application with the feature provider using dynamic link library (DLL) function calls.

However Mansource teaches an analogous art related to interaction between client and server applications, includes

an application interworking framework interfaces a consumer application with a feature provider using dynamic link library (DLL) function calls (see at least par. [0084]

"In practice, the communication interfaces 712, 730 will be provided by suitable

Art Unit: 2191

executable program modules (such as Dynamic Link Libraries (DLLs)) resident at the client device and the UI server. The communication DLLs include, but not limited to, various functions that manage communications between the client device and the UI server”).

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Fernando in combination with McKeon to incorporate the teaching of Mansource to use DLLs for communications between provider and software program. One would have been motivated to use DLL for communications between software applications because DLL gets loaded as needed so space is saved in random access memory (RAM).

11. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2004/0034860 to Fernando et al (“Fernando”) in view of U.S. Pub. No. 2004/0153508 to Alcorn et al (“Alcorn”).

As per claim 10

Fernando does not explicitly teaches

wherein the new consumer application is an application provided by a third party to a user of the device

However Alcorn teaches

Art Unit: 2191

new consumer application is an application provided by a third party to a user of device (see at least par. [0132] **“the APIs 104e allow, for example, third-party vendor developers, and institutions to build extension 1040d, such as new applications, extend existing technologies, and integrate them into system 1000”**).

Therefore, it would have to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Fernando to incorporate the teaching of Alcorn to integrate new application into a device. One would have been motivated to do so because the third party software could be used to provide extension to the system.

As per claim 11

Fernando does not explicitly teach

wherein the new consumer application integrates into the device as if part of an original group of software applications for the device.

However, Alcorn teaches an analogous art related to integrate third-party application into a system, include

A new consumer application integrates into a device as if part of an original group of software applications for the device (see at least par. [0132] **“the APIs 104e allow, for example, third-party vendor developers, and institutions to build extension 1040d, such as new applications, extend existing technologies, and**

integrate them into system 1000”).

Therefore, it would have to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Fernando to incorporate the teaching of Alcorn to integrate new application into a device. One would have been motivated to do so because the third party software could be used to provide extension to the system.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2004/0034860 to “Fernando”, in view of U.S. Patent No. 5,097,533 to Burger et al. (“Burger”).

As per claim 12

Fernando does not explicitly teach

wherein generic parameters are used in application interworking framework application programming interfaces (APIs).

However, Burger teaches an analogous art related to interfacing computer applications written in different languages, includes

generic parameters are used in application interworking framework application programming interfaces (APIs) (see at least col. 3:44-47 **“For each of a plurality of functions supported by the software, a generic application program interface (API) or entry point is defined having a plurality of parameters in a consistent**

Art Unit: 2191

form required by the system to execute the function”).

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Fernando to use a generic parameter in generic API for communicating between applications. The modification would have been obvious because one would have been motivated to define a generic API so that the format or type of the parameters process by the API do not need to be specified.

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2004/0034860 to “Fernando”, in view of U.S. Pub. 2002/0186249 to Lu et al. (“Lu”).

As per claim 13

Fernando does not explicitly teach

wherein the feature interest of the new consumer application comprises menu options not on the device before introduction of the new consumer application to the device.

However, Lu teaches an analogous art related to dynamically add interface object to a browser, includes

a feature interest of the new consumer application comprises menu options not on a device before introduction of a new consumer application to the device (see at least par. [0069] **“The present invention creates an ActiveX control that dynamically creates a new global object, object A, which creates a new menu object (which may be an interface object 40) with a desired functionality to be added to the browser interface 20”**).

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Fernando to incorporate the teaching of Lu to dynamically add new menu object to a browser. One would have been motivated to do so in order to allow user of the browser to perform various tasks using the extended browser.

14. Claims 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2002/0194293 to Osman, in view of U.S. Pub. No. 2004/0034860 to Fernando et al. (“Fernando”).

As per claim 17

Osman teaches a system for adding new features dynamically to a consumer application, installed on a consumer device (see at least the Abstract **“If a user desires an additional extension (i.e. feature) and its attendant functionality, perhaps during application execution (i.e. dynamically)...”**), the system comprising:

a computer-implemented consumer application that publishes a feature interest (see at least par. [0023] “**When the user requests** (*i.e. publishes*) **a new extension** (*i.e. a feature of interest*), **the execution means (e.g. VM 106) requests the selected extension from application manager**” – Note: As the user runs a selected application on client device, the user requests a new extension (*i.e. a new feature*));

a computer-implemented provider application that publishes a provider capability (see at least par. [0024] “**server device 104 determines the billing information regarding the requested extension. For example, some extensions may only be available for a predetermined dollar amount while others may be free of charge. Server device 104 then transmits** (*i.e. publishes*) **whether the request is valid and any billing information associated with the request** (*i.e. provider capability*) **to client device 102 ...**”) and identifies user interface resources available for a new feature (see at least par. [0024] “**server device 104 may verify that client device 102 is capable** (*i.e. user interface resource*) **of receiving the requested extension** (*i.e. features*). **For example, client device 102 may not have sufficient available memory** (*i.e. user interface resource*) **for storing the extension** (*i.e. features*), **client device 102 may not have the required core** (*i.e. user interface resource*) **for the extension...**”); and

a computer-implemented application interworking framework that dynamically provides an interface for the computer-implemented consumer application and the provider application such that the feature interest is matched with the provider capability (see at least par. [0025] “**Application manager 110** (*i.e. application interworking framework*) **therefore alerts the user (via user interface 112) to the cost and**

Art Unit: 2191

storage requirements associated with the requested extension") and user interface elements are added from the provider application to the computer-implemented consumer application (see at least par. [0025] "**Server device 104, in response to the second request, transmits the selected extension via channel 130 to client device 102**"), the computer-implemented consumer application being executable by a processing unit of the consumer device (see at least **FIG. 3 – "processor 300"**).

Osman does not explicitly teach

a computer-implemented consumer application identifies user interface resources needed based on the feature interested; and

user interface elements are added from the provider application to the computer-implemented consumer application.

Fernando teaches an analogous art related to dynamically add user interface elements to an application, including

user interface elements are added from the provider application to the computer-implemented consumer application (see at least par. [0007] "**the framework permits the ability to add new user interface (UI) elements as extension objects that proffer additional functionality and yet maintain interoperability with previously released UI components**").

Art Unit: 2191

It would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Osman to incorporate the teaching of Fernando to dynamically add new user interface (UI) elements to a user interface application. The modification would have been obvious because one would have been motivated to provide additional UI features or elements to a user interface application at runtime in order to allow the user of the device to extend to functionality of a user interface application as needed at runtime.

Neither Osman nor Fernando teaches

a computer-implemented consumer application identifies user interface resources needed based on the feature interested.

However, Osman teaches (see at least par. [0023] “**Application manager 110 determines whether client device 102 has sufficient available memory (i.e. user interface resource) for storing the requested extension**”).

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Osman in combination with Fernando to allow the selected application (e.g. selected from the application and extension storage 108 by the user of Osman) to include an function that verifies sufficient available memory (*i.e. user interface resources*) for storing the requested extension. The modification would have been obvious because one would have been

Art Unit: 2191

motivated to save time and resources by verifying the available resource for storing the requested extensions before sending a request for the extension to the application manager 110 in order to save the application manager from performing extra steps such as sends a request to the server or verifies available resources.

As per claim 19

Fernando teaches

wherein the consumer application obtains user interface elements from other providers. (see at least par. [0035] **“In one embodiment, extension object providers 108 are executables that house one or more extension objects 118”**; see also par. [0037] **“Extension objects 118 proffer additional functionality or augment existing functionality of the framework 102...For example, the extension objects 118 may include new functionality added to the application or proffer UI elements 220 to existing functionality”**).

As per claim 20

Osman teaches

wherein the system is a mobile telephone (see at least par. [0014] **“client device 102 is a wireless portable device such as a wireless or cellular phone, pager, PDA (personal digital assistant), or the like”**)

Art Unit: 2191

15. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,275,221 to Osman, in view of 2004/0034860 to Fernando.

As per claim 18

Neither Osman nor Fernando teaches

wherein the consumer application interfaces with the application interworking framework using an application programming interface (API).

However, McKeon teaches an analogous art related communication between client and provider applications, includes

a consumer application interfaces with an application interworking framework using an application programming interface (API) (see at least **FIGS. 2 and 9**; see also col. 13:25-27 **“Each of the providers is coupled to an intermediary interpreter 96 (i.e. application interworking framework), which through its corresponding API communicates with client application 908”**).

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Fernando to incorporate the teaching of McKeon to use APIs for interacting between application program and the providers to add features to the application program. One would have been motivated to do so because API serves as an interface between different software programs and facilitates their interaction.

16. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2004/0034860 to Fernando et al. ("Fernando"), in view of U.S. Patent No. 7,143,416 to Nacheff et al. ("Nacheff").

As per claim 22

Fernando does not explicitly teach

computer code to generate a class of generic parameters.

However, Nacheff teaches an analogous art related to dynamic creation of object classes, includes

generate a class of generic parameters (see at least col. 13:26-39 "**creating a global generic class having a first member being related to at least one attribute and a second member being related to at least one method...wherein the method of the global generic class is defined by at least one parameter derived from an instance of a generic parameter class**").

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Fernando to incorporate the teaching of Nacheff to dynamically create a class of generic parameters. The modification would have been obvious because one would have been motivated to use generic parameters to avoid having to define methods with redundant code.

Response to Arguments

17. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Correspondence Information

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILLIP H. NGUYEN whose telephone number is (571) 270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM - 3:00 PM EST.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/762,051
Art Unit: 2191

Page 25

/Phillip H Nguyen/
Examiner, Art Unit 2191
1/3/2011